



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

April 13, 2023

Re: FOIA Request NLRB-2023-001223

Dear Mr. Braden S. Campbell (Law360):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on April 6, 2023, in which you initially sought the complaints in five cases: *I.N.S.A., INC.*, Case No. 01-CA-290558, *Hofbrauhaus of America, LLC*, Case No. 28-CA-291588, *WILBERFORCE UNIVERSITY*, Case No. 09-CA-283858, *Rieth-Riley Construction Co., Inc.*, Case No. 07-CA-300190, and *Apple, Inc.*, Case No. 10-CA-295915. You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on April 6, 2023. In an email exchange on April 6, 2023, you narrowed your request by removing the complaint in *Apple, Inc.*, Case No. 10-CA-295915 from your request, since the complaint in that case is already publicly available on the Agency's website and is accessible here: <https://www.nlr.gov/case/10-CA-295915>.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search has located the responsive complaints from the requested case files, which are attached.

After a review, I have determined that certain information in the attached records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C). Please note that a hearing in Case No. 01-CA-290558 opened on the record before an Administrative Law Judge. Therefore, we are releasing in full the Complaints that become part of the formal exhibits in the public hearing, as opposed to providing redacted records prior to the opening of a hearing.

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person “actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request.

You may contact Joseph Mullaney, the Attorney-Advisor who processed your request, at (202) 273-3863 or by email at Joseph.Mullaney@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer

April 13, 2023

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National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (56 pages)